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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

SEATON INSURANCE COMPANY and  
STONEWALL INSURANCE COMPANY,

Plaintiffs,

vs.

CAVELL USA INC. f/k/a KEN RANDALL  
AMERICA, INC. f/k/a EASTGATE, INC. and  
KEN RANDALL, individually,

Defendants.

Case No. 1:07-CV-07032 (RMB)

**DEFENDANTS' MOTION  
TO DISMISS**

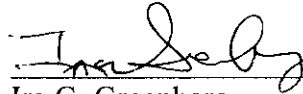
Defendants Cavell USA Inc. f/k/a Ken Randall America, Inc. f/k/a Eastgate, Inc.  
and Ken Randall, individually, hereby move this Court as follows:

1. To dismiss the action for improper venue pursuant to Rule 12(b)(3) of the  
Federal Rules of Civil Procedure or, in the alternative, lack of subject matter jurisdiction  
pursuant to Fed. R. Civ. P. 12(b)(1); and

2. If the Court were to retain jurisdiction, to dismiss the action because the  
complaint fails to state a claim against defendants upon which relief can be granted pursuant to  
Rule 12(b)(6) of the Federal Rules of Civil Procedure.

This motion is made upon the annexed declaration of Pamela S. Hoelsken, dated October 19, 2007, together with the exhibits thereto and a memorandum of law, which are being filed simultaneously with the motion.

Dated: New York, NY  
October 19, 2007



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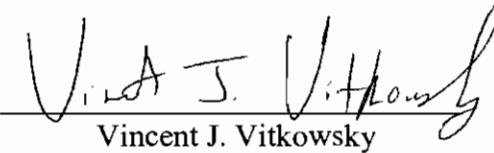
TO: All counsel

**CERTIFICATION**

A copy of the foregoing motion, defendant's memorandum of law in support of their motion to dismiss, the Declaration of Pamela S. Hoelsken, dated October 19, 2007 and a Rule 7.1 Statement are being served upon counsel for the plaintiffs via federal express this 19th day of October, 2007:

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